

ENTERED

January 28, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

MARK CLIFF SCHWARZER,
(TDCJ-CID #1433741)
Plaintiff,

vs.

TERRY L. SALLES, et al.,
Defendants.

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CIVIL ACTION V-18-0090

MEMORANDUM ON DISMISSAL

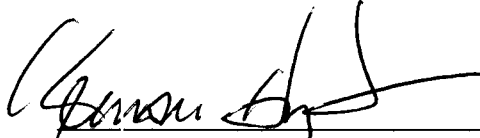
The plaintiff has not responded to this Court's order entered December 4, 2018, which required him to submit by January 14, 2019, a more definite statement of the facts on which his complaint is based. The Court's order specifically provided that "[f]ailure to comply as directed may result in the dismissal of this action." With regard to this Court's Order for More Definite Statement, the Court must have clear answers to each of its questions before it can evaluate the merits of the plaintiff's claims. The plaintiff's failure to comply with this Court's order forces this Court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 James Wm. Moore et al., *Moore's Federal Practice* § 41.51(3)(b) & (e) (3d ed. 2017). Upon a

proper showing, relief from this order may be granted in accordance with Fed. R. Civ. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Victoria, Texas, on January 28, 2019.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

KENNETH M. HOYT
UNITED STATES DISTRICT JUDGE